

Amendment No. 1 to HB1139

Keisling
Signature of Sponsor

AMEND Senate Bill No. 961*

House Bill No. 1139

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new chapter:

4-60-101. Creation.

There is established a "Governor's Office of Faith-Based and Community Initiatives," referred to as the "office" in this chapter.

4-60-102. Purposes.

In order to maximize the effectiveness of state government through collaboration with faith-based and community initiatives to serve Tennesseans with respect to public purposes, such as improving public safety, overcoming addiction, strengthening families and communities, and overcoming poverty, the office shall, to the extent permitted by law:

(1) Promote and foster the development of relationships and coordination between state government and faith-based and community initiatives and serve as a resource for and liaison between state government and such initiatives;

(2) Coordinate activities designed to mobilize public support for faith-based and community initiatives through volunteerism, special projects, and public-private partnerships;

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(3) Raise ideas and policy options to the governor that would assist, strengthen, expand, or replicate successful faith-based and community programs;

(4) Ensure that state government decisions and programs are consistent with the goal of partnering with faith-based and community initiatives when doing so is in the public interest and monitor how such decisions and programs affect faith-based and community initiatives;

(5) Work with state, local, and community policymakers, volunteers, and public officials to facilitate coordination with and empowerment of faith-based and other community organizations where doing so would improve such groups' service to the communities involved; and

(6) Showcase and herald successful and innovative faith-based and community organizations and civic initiatives.

4-60-103. Nonprofit Partnerships.

(a) The office may partner with a nonprofit public benefit corporation that is organized to maximize the effectiveness of faith-based and community initiatives in serving Tennesseans with respect to public purposes, in order to carry out the purposes of the office.

(b) The governor shall select the members of the board of directors of the nonprofit partner. The nonprofit partner's board may select its own chair. The nonprofit partner has an executive director, who is selected by the governor.

(c) The nonprofit partner shall be properly incorporated under the laws of the state of Tennessee and approved by the internal revenue service as an organization that is exempt from federal income tax under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), by virtue of being an organization described in § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)).

(d) The nonprofit partner may receive and solicit funds from the general public in accordance with title 48, chapter 101, part 5.

(e) Costs to underwrite the nonprofit partner's activities related to the office must be borne from revenues of the nonprofit partner, and no state employee shall benefit from such proceeds.

(f) The nonprofit partner may exercise all powers authorized under the Tennessee Nonprofit Corporation Act, compiled in title 48, chapters 51-69.

(g) The nonprofit partner may receive staff and other assistance from any department, agency, board or commission, or other division of state government.

(h) Subject to existing statutes, rules, and policies, the nonprofit partner may enter into agreements with state government for procurement of office space, supplies, and other items, as necessary to effectively carry out the purposes of this chapter.

4-60-104. Expenses and Administration.

(a) It is the intent of the general assembly that the state shall realize no increased cost as a result of this chapter.

(b) For administrative purposes, the office is attached to the department of finance and administration.

(c) Any department, agency, board or commission, or other division of state government may provide staff and other assistance to the office, and all departments,

agencies, boards and commissions, and other divisions of state government shall fully cooperate with the office and shall provide staff support and other assistance as reasonably required, subject to existing statutes, rules, and policies.

(d) The office may enter into such contractual and promotional agreements necessary to maximize the effectiveness of state government through collaboration with faith-based and community initiatives to serve Tennesseans with respect to public purposes.

(e) The office may work with local governments, private organizations, and citizens as it plans and engages in activities related to the office.

4-60-105. Retirement Benefits.

(a) The nonprofit partner shall be eligible to be a participating employer in the Tennessee consolidated retirement system upon passage of a resolution by the nonprofit's board of directors authorizing:

(1) An actuarial study; and

(2) Participation, and accepting the liability as a result of the participation, by its full-time employees.

(b) The employees of the nonprofit partner must make the same contributions, participate in the same manner, and are eligible for the same benefits as employees of local governments participating in the retirement system under title 8, chapter 35, part 2.

(c) The employees of the nonprofit partner are entitled to credit for prior service, as approved by the board of directors of the nonprofit, under the same provisions that apply to employees of local governments.

(d) The retirement system is not liable for the payment of retirement allowances or other payments on account of employees of the nonprofit partner, or the beneficiaries

of such employees, for which reserves have not been previously created from funds contributed by the nonprofit partner, its employees, or the nonprofit partner and its employees.

(e) In case of the withdrawal of the nonprofit partner as a participating employer, the benefits of the members and beneficiaries shall be determined in accordance with § 8-35-211.

(f) All costs associated with retirement coverage, including administrative costs, are the responsibility of the nonprofit partner.

4-60-106. Health Benefits.

The nonprofit partner may participate, the same as an eligible quasi-governmental organization, in the health insurance plan authorized under § 8-27-702, to provide health insurance for its employees, as long as such nonprofit partner satisfies each of the requirements of § 8-27-702. This participation shall be governed by, and subject to, the provisions of title 8, chapter 27, part 7.

4-60-107. Annual Reports and Audits.

(a) The nonprofit partner shall annually submit to the governor and the speakers of the senate and the house of representatives, within ninety (90) days after the end of its fiscal year, a report setting forth its operation and accomplishments.

(b) The nonprofit partner is subject to examination and audit by the comptroller of the treasury in the same manner as prescribed for departments and agencies of the state.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it.